



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2016

CORAM

THE HONOURABLE **MR. JUSTICE T. RAJA**

W.P(MD) .No.14805 of 2016

Jebanesan

... Petitioner

Vs

1.The Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road, Madurai-2.

2.The Superintendent of Police,
Ramanathapuram, Ramanathapuram District.

3.The Sub-Inspector of Police,
Ilangembur Police Station,
Ramanathapuram District.

4.Johnson

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 27.07.2016 and to revoke or suspend the passport of the fourth respondent.

For petitioner	:Mr.P.Muniasamy
For R.1	: Mr.K.R.Lakshman
For R.2&3	: Mr.S.Chandrasekar
	Government Advocate

ORDER

Mr.Jebanesan, has come to this Court, seeking to issue a Writ of Mandamus, directing the respondents to consider his representation, dated 27.07.2015, whereby, he wants to impound the Passport of the fourth respondent on the ground that there is a criminal case pending against him.

2. Learned counsel for the petitioner submitted that the fourth respondent herein has been arrayed as an accused in P.R.C.No.47 of 2014, on the file of the Judicial Magistrate,



Muthukulathoor, Ramanathapuram District, for the alleged offences under Sections 307 I.P.C. and 3(1) of TNPPDL Act r/w.109 I.P.C, and in the said case, the petitioner herein is the defacto-complainant. He further submitted that the fourth respondent has obtained the Passport in his brother's name, but he affixed his photo, instead of his brother's photo. Therefore, the petitioner has given a representation to the official respondents herein as regards the fake passport obtained by the fourth respondent, but the representation sent by the petitioner was never considered, forcing him to approach this Court for the relief stated supra.

3. It is true that, admittedly, a criminal case is pending against the fourth respondent before the competent Criminal Court. But, mere pendency of a criminal case against the fourth respondent cannot be a ground to impound the passport. Further, it is only an allegation by the petitioner that photo was changed and such an allegation cannot be gone into by this Court. Of course, once the charges levelled against the fourth respondent are proved before the competent criminal court, the law will take its own course, however, at this stage, no direction could be issued for impounding the passport.

4. Accordingly, this Writ Petition fails and it is dismissed, however, there will be no order as to costs.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

To

- 1.The Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road, Madurai-2.
- 2.The Superintendent of Police,
Ramanathapuram, Ramanathapuram District.
- 3.The Sub-Inspector of Police,
Ilangembur Police Station,
Ramanathapuram District.

+1cc to M/S.P.MUNIASAMY,ADVOCATE SR NO: 44176

+1cc to M/S.K.R.LAXMAN,ADVOCATE, SR NO: 45028

+1cc to M/S.THE SPECIAL GOVERNMENT PLEADER, SR NO: 44427

JA-KP-01.09.2016/2P: 7C